

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

Kyllo Penn,

Date of Original Judgment: 09/23/2008

Date of Previous Amended Judgment: _____
(Use Date of Last Amended Judgment if Any)

Case No: CR 06-392-BR

USM No: 55887-065

Susan Russell

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 188 months is reduced to 121 months.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 09/23/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: November 2, 2011


 Judge's signature
Effective Date: _____
(if different from order date)

U.S. District Judge Anna Brown

Printed name and title

**This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)**

Kyllo Penn,

DEFENDANT: _____

CASE NUMBER: CR 06-392-BR

DISTRICT: District of Oregon

I. COURT DETERMINATION OF GUIDELINE RANGE *(Prior to Any Departures)*

Previous Total Offense Level: <u>32</u>	Amended Total Offense Level: <u>28</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>151</u> to <u>188</u> months	Amended Guideline Range: <u>97</u> to <u>121</u> months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS